

AMENDED IN SENATE APRIL 5, 2000

SENATE BILL

No. 1935

Introduced by Senator Costa

February 24, 2000

An act to amend Sections 15051, 15053, 15054, 15055, 15061, and 15062 of, *and to repeal Section 15052 of*, the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1935, as amended, Costa. Commercial feed: licenses.

Existing law requires each person, except as specified, to obtain a license from the Secretary of the Department of Food and Agriculture for each location where commercial feed is manufactured, distributed, sold, or stored for sale. Violation of these provisions is an infraction or a misdemeanor, as specified.

This bill would, in addition, require persons who do not have a permanent place of business but who manufacture, distribute, sell, or store feed to obtain a license from the secretary. *The bill would eliminate the requirement that licensees have a permanent place of business.* By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

Existing law provides that the license application fee is \$50, that the license renewal fee is \$50, and that the penalty for late renewal of the license is \$20.

This bill would increase those fees to \$100, \$100, and \$40, respectively.

Existing law establishes a tonnage tax with a maximum rate of 10¢.

This bill would increase the maximum tonnage tax rate to 15¢.

Since these increased fees would be deposited into the continuously appropriated Food and Agriculture Fund, the increase would result in an appropriation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 15051 of the Food and
2 Agricultural Code is amended to read:

3 15051. (a) Each person shall obtain a license from the
4 secretary for each location where commercial feed is
5 manufactured, distributed, sold, or stored for later sale.
6 Persons who do not have a permanent place of business,
7 but who otherwise manufacture, sell, or store feed shall
8 also obtain a license from the secretary.

9 (b) This section also shall apply to a person whenever
10 the person's name and address appears on the label of
11 commercial feed as guarantor.

12 (c) The following persons are exempt from this
13 section:

14 (1) A person that makes only retail sales of commercial
15 feed which bear the tag or other approved indication that
16 the commercial feed is from a licensed manufacturer or
17 guarantor who has assumed full tax responsibility for the
18 tonnage tax due under this chapter.

19 (2) A person who manufactures commercial feed
20 exclusively for feeding to his or her own animals.

21 SEC. 2. *Section 15052 of the Food and Agricultural*
22 *Code is repealed.*

1 ~~15052. A person is not entitled to a license unless he~~
2 ~~has a permanent place of business.~~

3 SEC. 3. Section 15053 of the Food and Agricultural
4 Code is amended to read:

5 15053. Each application for a license shall be
6 accompanied by a fee of one hundred dollars (\$100) for
7 each location for each two-year period beginning July 1
8 of each odd-numbered year, or portion of a two-year
9 period beginning July 1 of each odd-numbered year.

10 ~~SEC. 3.~~

11 SEC. 4. Section 15054 of the Food and Agricultural
12 Code is amended to read:

13 15054. All licenses shall be renewed on July 1 of each
14 odd-numbered year and shall be valid until June 30 of the
15 next odd-numbered year. Each application for renewal
16 shall be accompanied by a fee of one hundred dollars
17 (\$100) for each location operated.

18 ~~SEC. 4.~~

19 SEC. 5. Section 15055 of the Food and Agricultural
20 Code is amended to read:

21 15055. If a license is not renewed within one calendar
22 month following its expiration, a penalty of forty dollars
23 (\$40) shall be added to the fee.

24 ~~SEC. 5.~~

25 SEC. 6. Section 15061 of the Food and Agricultural
26 Code is amended to read:

27 15061. An inspection tonnage tax at the maximum
28 rate of fifteen cents (\$0.15) per ton of commercial feed
29 sold, except whole grains, and whole hays when unmixed,
30 shall be paid to the ~~director~~ *secretary* by any person who
31 distributes commercial feed to a consumer-buyer in this
32 state. The distributor shall also pay an inspection tonnage
33 tax for purchased commercial feed fed to his *or her* own
34 animals.

35 The secretary may, based upon a finding and
36 recommendation of the Feed Inspection Advisory Board,
37 determine the specific rate necessary to provide the
38 revenue needed to carry out the provisions of this
39 chapter. The secretary and the Feed Inspection Advisory
40 Board shall not exceed the maximum tonnage rate

1 established by this section. Setting the tonnage tax rate
2 shall *not* be subject to Chapter 3.5 (commencing with
3 Section 11340) of Part 1 of Division 3 of Title 2 of the
4 Government Code.

5 ~~SEC. 6.~~

6 SEC. 7. Section 15062 of the Food and Agricultural
7 Code is amended to read:

8 15062. Every person subject to payment of the
9 inspection tonnage tax shall make reports and payments
10 in the manner prescribed by the director by regulation.

11 If payment is delinquent, a penalty of 15 percent of the
12 amount past due shall be charged. For payments more
13 than 12 months delinquent, an additional penalty of 1
14 percent per month of the amount past due shall be
15 charged. The secretary shall set a penalty fee, as necessary
16 to cover administrative costs, for any delinquency in
17 making a report.

18 ~~SEC. 7.~~

19 SEC. 8. No reimbursement is required by this act
20 pursuant to Section 6 of Article XIII B of the California
21 Constitution because the only costs that may be incurred
22 by a local agency or school district will be incurred
23 because this act creates a new crime or infraction,
24 eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section
26 17556 of the Government Code, or changes the definition
27 of a crime within the meaning of Section 6 of Article
28 XIII B of the California Constitution.

